

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

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In re:

RHODA J. AVERBACH,

Debtor.

**CHAPTER 7**

**Case No. 11-35340 (CGM)**

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THOMAS GENOVA, as Trustee for  
RHODA J. AVERBACH,

Plaintiff,

**ANSWER**

**ADV. PRO. Case No. 11-09022 (CGM)**

-against-

ANTHONY SCIARRONE,

Defendant.

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The Defendant, Anthony Sciarrone (hereinafter the "Defendant"), by and through his attorneys, Corbally, Gartland and Rappleyea, LLP, as and for his Answer to the Complaint of the Plaintiff, Thomas Genova, as Trustee for Rhoda J. Averbach (hereinafter the "Trustee"), states as follows:

1. The Defendant admits each and every allegation contained in Paragraphs "1" and "2" of the Complaint.
2. The Defendant denies knowledge or information sufficient to form a belief thereof as to each and every allegation contained in Paragraph "3" of the Complaint.
3. The Defendant admits each and every allegation contained in Paragraph "4" of the Complaint.

4. The Defendant denies knowledge or information sufficient to form a belief thereof as to each and every allegation contained in Paragraphs “5,” “6,” and “7” of the Complaint.

5. As to Paragraphs “8” and “9” of the Complaint, the Defendant respectfully refers the Court to the substance of said Complaint.

6. The Defendant denies each and every allegation contained in Paragraphs “10,” “11,” “12,” “13,” “14,” “15,” “16,” and “17” of the Complaint

7. The Defendant denies knowledge or information sufficient to form a belief thereof as to each and every allegation contained in Paragraph “18” of the Complaint.

**AS TO THE PLAINTIFF’S FIRST CAUSE OF ACTION**

8. The Defendant restates and reiterates each and every allegation contained in Paragraphs “1” through “7” of this Answer with the same force and effect as if set forth more fully at length herein.

9. As to Paragraphs “20,” “21,” and “22” of the Complaint, the Defendant respectfully refers the Court to the referenced sections of the Bankruptcy Code for their full effect and meaning.

10. The Defendant denies each and every allegation contained in Paragraphs “23,” “24,” “25,” “26,” “27,” and “28” of the Complaint.

**AS TO THE PLAINTIFF’S SECOND CAUSE OF ACTION**

11. The Defendant restates and reiterates each and every allegation contained in Paragraphs “1” through “10” of this Answer with the same force and effect as if set forth more fully at length herein.

12. As to Paragraphs "30" and "31" of the Complaint, the Defendant respectfully refers the Court to the referenced sections of the Bankruptcy Code for their full effect and meaning.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

13. All transfers complained of by the Trustee were made with fair consideration.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

14. All transfers complained of by the Trustee did not render the subject Debtor insolvent.

**WHEREFORE**, the Defendant respectfully requests that the Trustee's Adversary Proceeding be dismissed in its entirety, together with such other and further relief as this Court may deem just and proper.

Dated: Poughkeepsie, New York  
April 11, 2011

Yours etc.,

**Corbally, Gartland and Rappleyea, LLP**

By: 

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